By:  Zaffirini S.B. No. 1216

(In the Senate - Filed March 9, 2021; March 18, 2021, read first time and referred to Committee on Business & Commerce; March 31, 2021, reported favorably by the following vote: Yeas 9, Nays 0; March 31, 2021, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Hancock              X

Nichols              X

Campbell             X

Creighton            X

Johnson              X

Menéndez             X

Paxton               X

Schwertner           X

Whitmire             X

A BILL TO BE ENTITLED

AN ACT

relating to a local option election on the sale of alcoholic beverages in certain areas of a municipality.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Subchapter D, Chapter 251, Alcoholic Beverage Code, is amended by adding Section 251.742 to read as follows:

Sec. 251.742.  MUNICIPAL ALCOHOLIC BEVERAGE ZONE. (a) In this section, "commercial area" means a contiguous area:

(1)  in which 75 percent or more of the land area, excluding street rights-of-way, is devoted to or restricted to any combination of retail, restaurant, entertainment, office, government, or business uses; and

(2)  that includes at least 20 commercial establishments.

(b)  This section applies only to a municipality that:

(1)  has a population of 15,000 or more; and

(2)  is located in two counties one of which:

(A)  has a population of 340,000 or more; and

(B)  borders the Gulf of Mexico.

(c)  The governing body of a municipality by resolution may propose a zone within a commercial area of the municipality to be designated as a zone in which the legal sale of one or more prohibited types or classifications of alcoholic beverages may be considered in a local option election under this section. The resolution must describe the boundaries of the proposed zone.

(d)  The governing body of the municipality shall order an election on the issue and prepare the ballot for the election that describes the boundaries of the proposed zone and permits voting for or against one of the ballot issues prescribed by Section 501.035, Election Code, with respect to the proposed zone.

(e)  The qualified voters of a municipality may petition the governing body of the municipality, in the manner prescribed by Chapter 501, Election Code, to order an election to alter the status of the sale of any type or classification of alcoholic beverages that has been legalized in a zone by an election conducted under this section.

(f)  An election conducted under this section shall be conducted within the entire boundaries of the municipality in which an alcoholic beverage zone is proposed as those boundaries exist on the date of the election. The results of the election affect only the wet or dry status of the area within the boundaries of the zone.

(g)  The provisions for conducting a local option election under Chapter 501, Election Code, apply to an election conducted under this section to the extent those provisions do not conflict with this section.

(h)  The results of an election conducted under this section do not affect the legal sale of one or more types or classifications of alcoholic beverages that are permitted in the zone because of the zone's inclusion in a political subdivision.

SECTION 2.  This Act takes effect September 1, 2021.

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